

REMARKS/ARGUMENTS

Claims 32-39, 46-67, 96-99, 102 and 103 are pending. By this Amendment, claims 49 and 57 are amended to correct spelling errors, and claims 23-31, 40-45, 68-95, 100, 101 and 104 are canceled. Reconsideration in view of the above amendments and the following remarks are respectfully requested.

Applicants appreciate the indication that claims 32, 33, 36-39 and 96-99 are allowed.

The remaining ones of claims 23-104 have been rejected based on various prior art. By this Amendment, independent claims 23, 40, 68, 74, 82 and 90 (and their dependent claims) have been canceled in order to expedite prosecution and to reduce the issues for appeal. Specifically, Applicants disagree with the rejection since the prior art does not teach or suggest one or more of the features of the claims.

Claims 34, 46, 54 and 62 are not canceled or amended since the prior art does not teach or suggest one or more features contained in those claims. For example, claims 34, 46 and 62 were rejected under 35 U.S.C. §102(b) over White et al. However, this rejection is respectfully traversed since White et al. does not teach or suggest a nasal mask cushion assembly as recited in claim 34. Specifically, White et al. does not teach or suggest a seal forming portion disposed around the perimeter of the aperture adapted to deform and form a seal of a portion of the wearer's face in a region between the base of the nose and the upper lip and around the sides and over the bridge of the wearer's nose when the mask is in use. White et al. teaches a full face mask and thus cannot anticipate claim 34. In the Office Action, it is stated that White et al. teaches a seal forming portion that is capable of deforming over a user's nose and upper lip. See page 11, second paragraph. However, the premise of this rejection appears to be that White et al. does not teach or suggest a nasal mask, but it is "capable" of deforming over a user's nose and

upper lip. Thus, while the rejection is based on anticipation, it appears that the Office Action acknowledges that White et al. does not teach this feature, but instead is "capable" of having this feature. However, Applicants respectfully submit that the issue is whether White et al. teaches the claimed structure, and if not, which is apparently admitted, whether it would have been obvious to one of ordinary skill in the art to have adapted White et al. to include this structure. White et al. is directed to a respirator which includes a mask worn over the wearer's full face for air filtration or purifying. The focus of White et al. is to prevent atmospheric air from entering the patient's airways without filtering. This goal would not be accomplished if the full face mask of White et al. were transformed into a nasal mask since unfiltered or unpurified air would be able to easily enter the patient's airways through the exposed mouth of the patient.

With regard to independent claim 46, White et al. does not teach or suggest that the seal portion is substantially coterminous with respect to the second molded rim and is resiliently deformable towards the first membrane in use of the mask. Instead, White et al. teaches the use of multiple seal portions 18 and 12 in which case the seal portion is not "substantially coterminous" with respect to either one of those seals. In addition, White et al. does not teach that the first and second inwardly curved rims are curved generally towards the nose receiving cavity. Generally speaking, aside from minor aberrations, the seals 12 and 18 are not curved generally towards the nose receiving cavity. This makes sense since the purpose of White et al. is to prevent air from entering into the chamber, i.e., to prevent unfiltered or unpurified air from passing to the patient's airways, while the seal described in the specification is provided to prevent or reduce the leak of pressurized air in the cavity from easily escaping to atmosphere.

With respect to independent claim 62, White et al. does not teach or suggest a nasal mask cushion, wherein a substantially full perimeter of the second molded inwardly curved rim is

curved towards the front portion of the frame opposite the wearer's face. In White et al., neither seal 12 nor seal 18 has a substantially full perimeter that is curved towards the front portion of the frame opposite the wearer's face. White et al. teaches the opposite arrangement since White et al.'s purpose is to prevent air from coming into the chamber, rather than preventing air from escaping from the chamber.

Independent claim 54 was rejected under 35 U.S.C. §103(a) over Sanders et al. in view of White et al. This rejection is respectfully traversed since it is not obvious to replace the seal of Sanders et al. with the seal system of White et al., just as it is not obvious to modify the full face mask of White et al. into a nasal mask. The seals of White et al. are structured in a specific way in order to prevent air from entering into the breathing chamber. On the other hand, Sanders et al. is directed to a nasal mask for application of positive airway pressure therapy, in which case the seal is provided in order to prevent or reduce the escape of air from the breathing chamber. Accordingly, the seals of White et al. and Sanders et al., respectively, are designed from completely opposite perspectives such that one teaching does not lend itself to the other at least in respect to sealing.

Reconsideration and withdrawal of the rejection are respectfully requested.

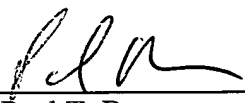
In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

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Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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